

Wednesday, February 23, 2011

Duxbury Clipper

State supervisor of records closes appeal on DeLuca transcripts

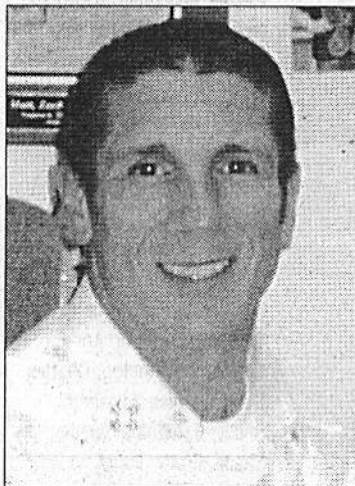
By JUSTIN GRAEBER, CLIPPER EDITOR
JUSTIN@DUXBURYCLIPPER.COM

The state has denied an appeal from the Clipper to force the town of Duxbury to release records relating to the departure of former police chief Mark DeLuca.

UPDATE

The records pertain to "sworn statements" taken around the time of DeLuca's departure during a vicious contract dispute with the town. Town Manager Richard MacDonald decided not to renew the chief's contract when it expired in Nov. of 2009, and DeLuca's supporters tried to argue that the non-renewal constituted a firing, which could be overruled by the Board of Selectmen.

At the time, Selectman Christopher Donato said he learned that "statements were made under oath" regarding allegations against DeLuca. He said he was not privy to any of the specifics, however at a later meeting he said some of the allegations may have dealt with overtime abuse. Donato did say, how-



The town has denied efforts by the Clipper to seek the transcripts of sworn testimony given during the departure of former police chief Mark DeLuca (pictured) in 2009. A Feb. 15 letter from the state supervisor of public records has upheld the town's denial.

ever, that as part of a financial settlement those allegations "would disappear." The settlement was later pulled off the table and DeLuca was appointed the police chief in Cohasset.

In 2009, the town denied a public records request from the Clipper seeking the records. However, in a Jan.

10, 2011 letter, MacDonald said that the statements were indeed public record, citing an earlier opinion by Town Counsel Robert Troy.

The Clipper asked for the records again, and filed an appeal with the state supervisor of public records when Duxbury did not respond within the 10 days required by the Massachusetts public records law. After that appeal was filed, MacDonald issued a denial, saying that although the records were public the State Ethics Committee was investigating the matter. That decision was reinforced by a Feb. 15 letter from State Supervisor of Public Records Alan Cote, effectively closing the appeal.

"In his response to your request, Mr. MacDonald explained that the State Ethics Commission is conducting an investigation into the matter involving Mr. DeLuca," Cote wrote. "A custodian of records is permitted to withhold records under the investigatory exemption if the disclosure would be harmful to investigative efforts."